



# CALIFORNIA STATE BOARD OF EDUCATION

## JULY 2004 AGENDA

### ☒ Specific Waiver

<b>SUBJECT</b>  Request by <b>Orange Center School District</b> to waive <i>Education Code</i> (EC) Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. (32 maximum) <b>Susan Carlock</b> assigned to <b>Orange Center School</b> .  Waiver Number: 7-4-2004	<input checked="" type="checkbox"/> <b>Action</b>
	<input checked="" type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the Resource Specialist will have the assistance of an instructional aide six hours a day and that Susan Carlock may not be scheduled over a caseload in the next school year.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56101 and California *Code of Regulations* (CCR), Title 5, Section 3100, allow the State Board of Education to approve waivers of Resource Specialists to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations, which must be met for approval, and if these requirements are not met, the waiver must be denied.

The Resource Specialist Program shall be under the direction of a Resource Specialist who is a credentialed special education teacher, or who has a clinical services credential with a special class authorization, who has had three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing and who has demonstrated the competencies for a Resource Specialist, as established by the Commission on Teacher Credentialing.

### SUMMARY OF KEY ISSUES

Orange Center School district will provide the assistance of an instructional aide at a minimum of six hours per day to the Resource Specialist. The number of students to be served by an affected Resource Specialist under the waiver does not exceed the maximum statutory caseload of 28 students by more than four students. Both Susan Carlock, Resource Specialist and Charla J. Kelley, bargaining unit representative agreed upon the terms of this waiver. The Special Education Division confirmed this on April 16, 2004.

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This will be the second year Orange Center School District has request a waiver to allow the caseload of Sudan Carlock to exceed the maximum of 28 students by four students. Therefore, the Department recommends that Orange Center School District not be granted another waiver for Susan Carlock for the school year of 2004.

The Department is recommending retroactive approval because the district submitted the waiver late in the school year but for only for the time period of March 29 through June 16, 2004, and the waiver was not received in time to be processed to the May SBE Meeting.

**Authority for the Waiver:** EC 56101, and CCR, Title 5, Section 3100.

**Bargaining unit(s) consulted on date(s):** March 25, 2004

**Position of bargaining unit(s) (choose only one):**

☐

Neutral

☒

Support

☐

Oppose

**Name of bargaining unit(s)/representative(s):** Charla J. Kelley, CTA President

**Local board approval date(s):** March 15, 2004

**Period of request:** March 29, 2004 to June 16, 2004

### **FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied, the district will need to employ additional qualified staff or persons with emergency qualifications to provide services to the special education students.

### **BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver requests forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.